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2 in this case?
3 A. I don't understand the question.
4 Q. Is it your testimony that the last
5 paycheck that you received from the defendants in
6 this case was on or about October 15, 2006?
7 A. By the defendants?
8 Q. Yes.
9 A. When you refer to the defendants, who
10 do you mean?
11 Q. Do you understand that you've brought a
12 lawsuit, and that's why we're here today, to
13 answer questions regarding that lawsuit?
14 A. Yes.
15 Q. Who is it that you understand that you
16 are suing in this case?
17 A. Mr. Sam.
18 Q. Sam Podolak?
19 A. Yes.
20 Q. When were you first hired by Sam
21 Podolak?
22 A. May 1, 2003.
23 Q. When was the last day that you were
24 employed by Sam Podolak?
25 MR. FAILLACE: Objection. He's
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1 M. Alcantara
2 answered that already twice.
3 Q. You can answer it again.
4 A. I answered that question already but if
5 I have to answer it again, I'll answer it again.
6 I'll tell you the same. The last check I
7 received -- 15th of October. That was the last
8 date I worked.
9 Q. Okay. For what garages did you work
10 between May 1, 2003 and October 15, 2006?
11 A. I worked at 155. The one that's on
12 Saint Nicholas, that's called 145. And sometimes
13 they would send me to other garages to cover
14 anyone that was out.
15 Q. What other garages did you work at
16 besides 155 and 145?
17 A. Sometimes they send me to 169 and
18 Jerome. 199 and Webster. There's one -- there is
19 a small lot about three blocks away from the one
20 at 145 and Saint Nicholas. I just don't remember
21 the name of it or the street.
22 Q. Were you employed by Mr. Podolak
23 continuously from May 1, 2003 to October 15, 2006?
24 A. Yes.
25 Q. Did you have any other jobs during that
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2 time frame?
3 A. No.
4 Q. For which garage were you hired in
5 May 1, 2003?
6 A. They hired me to work in any one of the
7 garages that belonged to Sam Podolak. That's what
8 I understood. He didn't put me in any specific
9 one.
10 Q. Okay. Did you work for both the garage
11 at 155 and 145 for that entire time that you were
12 employed by Mr. Podolak?
13 A. Yes, mostly there.
14 Q. How did you first learn of the position
15 with the defendant?
16 A. I don't understand.
17 Q. How did you first learn of the job
18 opening?
19 A. First of all, I worked in that company
20 with Mr. Jose.
21 Q. Was Jose Tavares the individual who
22 hired you?
23 A. Yes.
24 Q. Who was your supervisor when you were
25 first hired on May 1, 2003?
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1 M. Alcantara
2 A. Raj.
3 Q. Was Raj your supervisor the entire time
4 that you were employed up through October 15,
5 2006?
6 A. Yes.
7 Q. What were your hours when you were
8 first hired in May 2003?
9 A. Seven to seven. Seven p.m. to seven
10 a.m.
11 Q. How many days a week did you work seven
12 p.m. to seven a.m.?
13 A. Five days, sometimes six. Sometimes
14 even seven days.
15 Q. On average, how many hours a week did
16 you work?
17 A. 60 hours. Sometimes 72. Even up
18 to 84.
19 Q. Did your hours differ depending on the
20 garage at which you worked?
21 A. No, I always worked the same shift.
22 At the same amount of hours.
23 Q. Did you punch a time clock when you
24 arrived at the beginning of your shift?
25 A. Yes.
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2 Q. Did you always punch a time clock at
3 the end of your shift?

4 A. Yes.

5 Q. Did you ever punch out if you left in
6 the middle of a shift?

7 A. No. I would never leave half a shift.

8 Q. Did you ever start work prior to the
9 start of your shift?

10 A. If I started? I don't understand.

11 Q. Your shift typically began at seven
12 p.m. at night; is that correct?

13 A. Yes.

14 Q. Did you ever begin work prior to seven
15 o'clock at night?

16 A. No. I always started at seven. That
17 was my shift.

18 Q. Did you ever continue working after
19 your shift was over at seven o'clock in the
20 morning?

21 A. Sometimes if the other person got there
22 late, was coming late. Raj would call me and ask
23 me to stay until the person showed up. Could have
24 been two or three hours. Raj would call me and
25 ask me to stay until he arrived.

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2 Q. On how many occasions did that happen
3 where you had to stay two or three hours to wait
4 for the next person to arrive?

5 A. I couldn't tell you exactly how many
6 times or how many hours. It happened on occasion
7 and in emergency cases. Things like that.

8 Q. Did it happen more than five times?

9 A. Five. Six. Seven times maybe.

10 Q. And when you stayed late to wait for
11 the next person to arrive, did you wait to punch
12 out your time card until the other person arrived
13 and you left for the day?

14 A. I usually did that, but sometimes I had
15 already punched when Raj calls me to work more
16 time. And those hours, I would punch again.

17 Q. Okay. Did you get paid for those two
18 or three hours when you were waiting for the next
19 person to arrive for their shift?

20 A. Those hours they hardly ever paid.
21 Sometimes they would add a little something
22 besides the check but not much.

23 Q. Approximately how much would you be
24 paid per hour on those instances where you stayed
25 to wait for the next person to arrive?

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2 A. Sometimes they just -- they wouldn't
3 pay. They just put something -- a little
4 something in cash -- 15 or \$20. But not all the
5 time.

6 Q. Of the five to seven times that you
7 stayed late to wait for somebody else, how many of
8 those instances were you not paid for the hours
9 that you worked?

10 A. Besides the 15 or \$20 that they paid in
11 cash, sometimes they gave 20, 25, \$30 extra.
12 Sometimes -- once or twice only, when I've worked
13 a full day, besides my regular, they have given me
14 an additional 30, \$40.

15 Q. On the five to seven occasions when you
16 worked a few extra hours to wait for the next
17 person to arrive, were you paid at least some cash
18 on each of those occasions?

19 MR. FAILLACE: Objection. He
20 answered it already twice. Go ahead.
21 Answer it.

22 A. Just like I told you before, besides
23 the amount they would give in cash, a little bit
24 they would give in cash, give me 20, \$25, maybe
25 once. And maybe one time \$40 they gave me, but

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2 nothing more than that.

3 Q. Between May 2003 and October 2006, did
4 you ever take a leave of absence from work?

5 A. No, I never -- I worked straight the
6 whole time. I never took vacation or anything.
7 I was never out of work.

8 Q. Did you ever leave the country between
9 May 2003 and October 2006?

10 A. No.

11 Q. Your testimony then is that you never
12 visited even the Dominican Republic during that
13 three and a half year time period?

14 A. No. I haven't returned.

15 Q. Do you have a passport?

16 A. Yes.

17 Q. Have you renewed that passport since
18 May 2003?

19 A. No, I have not renewed it.

20 RQ MS. WHITE: I'm going to call for
21 production of Mr. Alcantara's passport.

22 MR. FAILLACE: Take it under
23 advisement.

24 Q. Did you ever let someone else punch
25 your time card in or out?

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2 A. No.

3 **Q. When you worked at the garages at 155**
4 **or 145, did you work with any other employees on**
5 **your shift?**6 A. Sometimes one person worked.
7 Sometimes two. At 145, only two people worked.8 **Q. What about at 155, how many --**9 A. I've even worked alone at 145. At 155
10 two of us worked, and sometimes three.11 **Q. How often would you work by yourself at**
12 **145?**

13 A. I only worked there alone twice.

14 **Q. Have you ever paid another employee to**
15 **work a shift for you?**

16 A. No.

17 **Q. Has an employee ever paid you for**
18 **working a shift for them?**

19 A. No. Not even.

20 **Q. In this lawsuit, what is it that you're**
21 **claiming you were not paid for?**22 A. First of all, they haven't paid me a
23 lunch hour. One hour for every day that I worked
24 that they used to take away.25 **Q. Are you claiming that you weren't paid**

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2 **for anything else other than your lunch hour?**3 A. No, they did not pay me. And also
4 according to law, after you work 10 hours they're
5 supposed to pay one hour additional. They didn't
6 pay that either. I always worked 12 hours.7 **Q. Other than the lunch hour, and the**
8 **extra hour after working 10 hours, are there any**
9 **other hours of time that you're claiming you**
10 **weren't paid for in this case?**11 A. The extra hours worked after 40 hours a
12 week. I only received 15 to \$20 to compensate for
13 that -- cash. Besides the check. The other hours
14 were paid regular.15 **Q. Were you paid at least minimum wage for**
16 **the first 40 hours that you worked each week?**

17 A. Minimum wage.

18 **Q. Did there come a time when your work**
19 **schedule was reduced to 48 hours a week?**20 A. I don't remember whether it was three
21 or four days that I worked. Up to 48 hours.22 **Q. Was there ever a time that your regular**
23 **schedule for each week was decreased to 48 hours**
24 **per week?**

25 A. That only happened for one or two weeks

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2 that they reduced my hours. I believe they
3 reduced it because I complained about the hour.
4 It was like a punishment.5 **Q. When was it that your hours were**
6 **reduced to 48 hours?**7 A. That's when I was working. One time I
8 called Pablo before I left. I called him to
9 explain to him that I was -- I was claiming the
10 hours that they owed me. And he told me he was
11 going to speak to Sam about it, but that they were
12 in no condition to pay those extra hours.13 **Q. In what year did you make this**
14 **complaint?**15 A. I always complained about it, but it
16 seems that at the end they punished me and lowered
17 my hours.18 **Q. Your hours were lowered to 48 hours for**
19 **only two weeks -- one to two weeks?**20 MR. FAILLACE: Objection. Already
21 answered.

22 A. One or two weeks, yes.

23 **Q. Did your hours increase after those two**
24 **weeks to more than 48 hours a week?**

25 A. Then I started working regular, yes.

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2 **Q. In what year was it that your hours --**
3 **that for two weeks you worked 48 hours?**

4 A. 2006. That was like to placate me.

5 **Q. Immediately prior to your employment**
6 **terminating in October of 2006, were you still**
7 **working the seven p.m. to seven a.m. shift?**

8 A. Can you repeat the question?

9 **Q. I will rephrase. In October 2006 right**
10 **before your employment terminated, what was your**
11 **shift?**

12 A. Seven to seven.

13 **Q. Did you ever leave the work premises**
14 **during a shift?**

15 A. I never left my job.

16 **Q. Did you ever take a break to eat a meal**
17 **during your shift?**

18 A. Never took a break. I was always busy.

19 **Q. Did you ever see any of the other**
20 **employees take a break during the shift?**21 A. No. We were always taking care of the
22 vehicles. Whether it be giving them in, or
23 bringing them in -- receiving them, or giving them
24 back. Cleaning the bathroom, garage area. It was
25 always busy. The parking lot where we were

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2 working had lots of vehicles in it.

3 **Q. At the garage at 155, approximately how**
4 **many cars would enter or leave in an hour during**
5 **your shift?**

6 A. I never counted, but in one hour 25,
7 maybe 30 cars, would come in and out.

8 **Q. And at the garage 145, approximately**
9 **how many cars in an hour would enter or leave**
10 **during your shift?**

11 A. Since that one was smaller, it could
12 have been 25. They are about the same size, but
13 the one at 145 I find is just a little bit
14 smaller.

15 **Q. Would your co-workers at those garages**
16 **also park cars?**

17 A. Yes. That's what we did.

18 **Q. Did you ever take a sick day from work?**

19 A. That I remember, no. I was never out
20 of work.

21 **Q. So is it your testimony that between**
22 **May 2003 and October 2006 you never missed a**
23 **scheduled shift?**

24 A. I don't remember whether I missed one
25 day or not. I never missed my job.

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2 **Q. During that period of time, is it your**
3 **testimony that you never left work in the middle**
4 **of your shift?**

5 A. No.

6 **Q. Not a single time?**

7 A. Not even once.

8 **Q. Did you ever receive any bonuses?**

9 A. No, I never received a bonus.

10 **Q. Did you always receive a paycheck for**
11 **each pay period?**

12 A. Always check.

13 **Q. Did your paycheck reflect the number of**
14 **hours that you worked?**

15 MR. FAILLACE: Objection. He's
16 answered this already. But go ahead.

17 A. I already answered that question.

18 **Q. You didn't answer that question, but**
19 **you can answer it again.**

20 **Did your paycheck indicate the number**
21 **of hours that you worked?**

22 MR. FAILLACE: You can answer.

23 A. Ask me one more time.

24 MS. WHITE: Can the court reporter
25 repeat the question?

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2 (Record read.)

3 A. It indicated the amount of hours, but
4 it was always short. There was always hours
5 missing.

6 **Q. Were you paid at least minimum wage for**
7 **the hours indicated on the paycheck?**

8 A. That's what they would pay me, minimum
9 wage. Inside the check, they would give me 15 or
10 \$20 in cash.

11 **Q. What is the most amount of cash that**
12 **you received in a week from the defendants?**

13 A. 15, \$20.

14 **Q. I believe you testified earlier that**
15 **you at least once received up to \$40; is that**
16 **correct?**

17 A. With the exception of when I worked
18 seven days, they would put 25 or \$30.

19 **Q. How many times did you work seven days**
20 **in a week?**

21 A. I would say about eight to ten times.
22 There weren't that many.

23 **Q. Why did you receive cash in addition to**
24 **the check?**

25 A. I believe that they put that little bit

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2 of money there for the hours that I -- that I
3 worked extra. But I don't consider that enough,
4 or enough for the amount of hours that I worked.
5 I would always ask and claim the amount of money.
6 They would never give me the money. I believe
7 that's where the problem started where they
8 reduced my hours.

9 **Q. Who is it that you complained to?**

10 A. I complained several times to Pablo
11 and even Raj. Also someone else that they let go.
12 I don't remember his name.

13 **Q. When was it that you complained to**
14 **Pablo?**

15 A. Several times I complained to him.

16 **Q. Do you recall the approximate dates of**
17 **when you complained to him?**

18 A. I don't know the dates.

19 **Q. What did you say to Pablo?**

20 A. I told him I was working many hours,
21 and they weren't paying me for the hours that I
22 was working. I would always tell them I worked
23 extra hours in this place, I worked extra hours in
24 the other place. And they never gave me that
25 money. I even spoke to Raj. I told him the same

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thing. He would tell me he was going to speak to Sam. And nothing. I said to myself, what's going on here? I'm working, working, working. And very little money is being paid. And any time they called me to cover someone, I would go. I could have had a headache or anything and I would go. I never told them no. I always covered wherever they asked me to.

Q. How often would you cover a shift other than your scheduled seven p.m. to seven a.m. shift?

A. There are people that are always out late, or they don't come to work. Irresponsible people. Not everyone is the same. And the one that doesn't stay out of work is the one that always has to go. That's the one that always pays the consequences.

Q. My question is not why did you work an extra shift. My question is, how often did you cover a shift for somebody else?

MR. FAILLACE: He already told you the number of times.

A. That happened occasionally. That wasn't all the time. That was on emergency cases.

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Q. How many times in a year would that happen?

A. I couldn't tell you how many times in one year. I don't know.

Q. Other than working a seventh day, which we have already talked about, or waiting for someone else to arrive at your garage at the end of your shift, were there any other times that you would be working other than your regular seven p.m. to seven a.m. shift?

A. Sometimes if I had to wait for my relief for a couple of hours, Raj would call me and ask me to wait until then.

Q. Did you keep your paycheck stubs?

A. Yes.

RQ MS. WHITE: Call for the production of paycheck stubs for Mr. Alcantara.

MR. FAILLACE: As soon as we get them done, we'll get them to you.

Q. Did you keep a record of how much cash you received a week?

A. When you say "paychecks," you mean the part of the check?

Q. Yes.

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MS. WHITE: Can you read back my last question?

(Record read.)

A. No.

Q. Did you declare the cash on your income tax form?

A. No.

Q. Did there come a time when you stopped receiving cash and you only received a paycheck?

A. Yes.

Q. When was that?

A. I don't remember exactly. I know it was in 2006, but I don't remember exactly when. I don't remember exactly.

Q. Was it early in 2006?

A. I'm not sure exactly.

Q. Do you recall was it in the first half of the year of 2006?

MR. FAILLACE: Objection. He already said he doesn't remember.

A. Something like that. I don't remember exactly.

Q. Did there come a time when you started being paid for your lunch hour?

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A. Then they started paying the 60 hours completely on the check.

Q. Was that approximately the same time as you stopped receiving cash?

A. Yes.

Q. Did you receive time and a half for the hours that you worked over 40 hours a week when you stopped receiving cash?

A. Yes.

Q. So is it your testimony today that at approximately the time when you stopped receiving cash in 2006 from that point forward you were paid for your lunch hour, and you were paid time and a half for any overtime over 40 hours a week?

A. Lunch hour, no, because we weren't taking lunch.

Q. But you were being paid for all hours that you would work?

A. That's when they started paying us the complete hours.

Q. Did you ever take any business documents from any of the garages?

A. No.

Q. Why did you stop working at the garages

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